with me and perhaps in the course of a few months, I shall be able to satisfy them. I am saying this because I am going to give the next two rulings in English (laughter).

IV.—NOTICE OF ADJOURNMENT MOTION *RE*: POLICE ACTIVITIES ON 3RD AND 6TH JANUARY 1958.

MR. SPEAKER: I have received notices of adjournment motion from three hon. Members, Sri Anbazhagan, Sri Annamalai and Sri M. P. Subramaniam. They all want to adjourn the business of the House to discuss a matter of public importance, viz., police activities on 3rd and 6th January 1958 against black flag demonstration held by the Dravida Munnetra Khazhagam in the City and in the mofussil and against the alleged ill-treatment given to those put in prison.

I rule these Motions out of order for the following reasons :—

Firstly, the matter must be urgent. I am afraid this is more than a month old and there may be difference of opinion as to the urgency of the matter. Secondly, the matter raised involves no more than ordinary administration of law. I am not satisfied that it is not covered by the ordinary process of law. Lastly, parliamentary opportunity will occur shortly during the discussion on the Governor's Address to enable hon. Members to speak about those matters. They can, if they like, give amendments to the Motion of Thanks that is proposed to the Governor's Address with reference to such matters. For these three reasons, I do not give permission to move the Adjournment Motions and under rule 49 of the Assembly Rules, I rule them out of order.

V.—PRIVILEGE MOTION *RE* PAMPHLET PUBLISHED BY THE DIRECTOR AND MINISTER IN CHARGE OF INFORMATION AND PUBLICITY.

MR. SPEAKER: The House will remember that at the meeting of the Legislative Assembly on the 16th November 1957, the last day of the sittings of the Assembly in November 1957, Sri M. Kalyanasundaram, M.L.A., gave notice of a Privilege Motion that the action of the Director of Information and Publicity and the Minister-in-charge of Publicity and Information in publishing the pamphlet under the title "முதுகளத்தூரில் நடந்தது என்ன" in Tamil constituted a breach of privilege of the House as that pamphlet contained a lot of distortions and wilful misrepresentations calculated to scandalise the opposition parties. I promised to look into the allegations and give my decision at this meeting.

2. The pamphlet consists of three parts, viz., (1) a Preface by the Director of Information and Publicity, (2) the Statement made by the Hon. Sri M. Bhakthavatsalam, Minister for Home, on the Ramanathapuram district disturbances translated into Tamil from English, and (3) the speech of the Hon. Sri C. Subramaniam, Leader of the House replying to the debate on the No-confidence motion. A Tamil translation of the statement by the Minister for Home was also circulated to the Members already.

10th February 1958] [Mr. Speaker]

3. Under Article 194 of the Constitution, the privileges conferred on the State Legislature are as follows :—

(1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State.

(2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of the House of such Legislature shall be such as may from time to time be defined by the Legislature by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom and of its members and committees, at the commencement of this Constitution.

In so far as the privileges of the State Legislature have not been defined by law, its privileges shall be those of the House of Commons in the Parliament of the United Kingdom. Even in the United Kingdom they have not been defined by statute and the question of privileges is decided with reference to conventions and precedents evolved over centuries.

4. In the Madras Legislative Assembly in October 1950–51, some Members requested the permission of the then Chair to print their own speeches for election purposes.

In England a practice is obtaining according to which—

" Reprints of particular speeches in leaflet forms may be obtained by members on application to the Editor on payment to Her Majesty's Stationery Office of a fee based on the cost of production."

The inner cover of each *Hansard* pamphlet contains the following sentence :—

" Members may obtain experts of their speeches from the Official Report (within one month from the date of publication), on application to the Controller of Her Majesty's Stationery Office."

But when the members got their speeches printed, they do so at their own risk. As pointed out by May—

" Although the privilege of freedom of speech protects what is said in debate in either House, this privilege does not protect the publication of debate outside Parliament. Nor does an order of the House for their printing and publication confer parliamentary privileges on proceedings published outside Parliament. A Member who publishes his speech made in either House *separately*

from the rest of the debate is responsible for any libellous matter it may contain under the common law rules as to defamation of character. But the publication, whether by order of the House or not, of a fair and faithful account of a debate in either House of Parliament is protected by the same principle as that which protects fair receipts of proceedings in courts of justice, namely, that the advantage to the public negatives the presumption of malice and outweighs any disadvantage to individuals."

The Speaker of this House, therefore, informed the House that the publication of excerpts of speeches by the Members themselves did not require the permission of Chair but such publication would not have the privilege of freedom of speech which the Member had in respect of his speech within the House.

5. Even this privilege is offered to the publication of parliamentary proceedings on the same principle as is applied to the case of reports of judicial proceedings and is, accordingly, subject to the same limitations as applied to reports of judicial proceedings. It follows, therefore, that a garbled or partial report or a report of detached parts of proceedings, published with intent to injure individuals will, as in the case of reports of judicial proceedings, be disentitled to protection.

On the same principle, a *bona fide* publication of a defamatory speech by a member for the information of his constituents is privileged, but the publication by a member in a newspaper of a single defamatory speech in Parliament, for the purpose of injuring an individual, would not be entitled to any privilege.

6. I would draw the attention of this House to the following quotations in this connection :—

"The English Courts draw a short line between the speech within the House and its publication without. In 1798, it was held by the Court of King's Bench in the case of *Rex* v. *Abingdon* that a member of Parliament might have a right to publish his speech but that the speech must not be made the vehicle of slander against any individual; if this was done an action of libel would lie for its publication. A similar judgment was pronounced in 1813 in the case of a well-known member of Parliament, Mr. Creevy. On this occasion the House absolutely refused to interfere or to treat the matter as a question of privilege."

(Robert Luce—'Legis. Procedure' page 327, Also May page 55.)

"It is now sound doctrine that a publication by a Member of the House of Commons of a report of his speech, *bona fide* addressed to his constituents, would be privileged. The privilege in such a case would arise because the publication is a communication between a member and his constituents, and not because it is a true report of what took place in Parliament.

10th February 1958] [Mr. Speaker]

Also it is now laid down that the reprinting of a speech which reflects upon the character of any person, without, adding the rest of the debate, is not 'fair' and is therefore unprotected; no doubt it would be otherwise if the whole debate were given." 9–50 a.m.

(Robert Duce—" Legis. Procedure "—page 328.)

" If a member publishes his own speech, reflecting upon the character of another person, and omits to publish the rest of the debates, the publication would not be fair and so would not be privileged, but a fair and faithful report of the whole debate would not be actionable.

" There is obviously a material difference between the publication of a speech made in Parliament for the express purpose of attacking the conduct of an individual, and afterwards published with a like purpose or effect, and the faithfull publication of Parliamentary reports in their entirety, with a view to afford information to the public, and with a total absence of hostile intention or malicious motive towards any one."

[Watson v. Walter (1868) C.B.]

7. So long, therefore, as the debates are correctly and faithfully reported the privilege which protects their publication is waived but when they are reported *mala fide* the publishers of newspapers are liable to censure.

Similarly, an article founded on proceedings in Parliament would be privileged, if it is an honest and fair comment on the facts. Fair and accurate extracts, from authorised publications, would also be similarly privileged, but the case is different when they are reported *mala fide.* Reflections upon Members, even where individuals are not named, may be so framed as to bring into disrepute the body to which they belong, and such reflections have, therefore, been treated as equivalent to reflections on the House itself.

These are broadly the principles governing the publications of debates outside the House.

8. Coming to the question of privilege at issue, I have compared the speeches as printed in the pamphlet in question with the verbatim reports as given by the Official Reporters. All the interruptions and certain portions of the Finance Minister's reply have been omitted and there are also certain changes of a minor nature. Besides, ' Preface ' has been defined in Websters International Dictionary as ' something spoken as introductory to a discourse or written as introductory to a book or the like, usually by way of explanation of the object, scope, etc., of the discourse or literary composition.

The preface to the pamphlet runs as follows. I shall read the preface in Tamil as it is and I hope Members will excuse me if I commit any mistakes.

"முதுகுளத்தூரில் நடந்தது என்ன?" என்பதுபற்றி பலரும் பலவிதமாக பேசுகிறார்கள்—எழுதுகிறார்கள். தனிப்பட்ட நோக்கங்களைக் குறிக்கோளாகக் கொண்டு உண்மையைத் திரித்துக்கூறி பொதுமக்களின் உள்ளத்திலே பற்பல பொய்யான எண்ணங்களை விதைத்து விடுகின்றனர் சிலர். எனவே உண்மையான நிலைமையைப் பொதுமக்கள் தெரிந்து கொள்ள வேண்டுமென்ற நோக்கத்தோடு இந்நூல் வெளியிடப்படுகிறது.

இராமநாதபுரம் மாவட்டத்தைச் சேர்ந்த முதுகுளத்தூரிலும் அதன் சுற்றுப்புறப் பகுதிகளிலும் அண்மையில் நடந்த வகுப்பு கலவரங்கள், போலீஸ் நடவடிக்கைகள்பற்றி உள்நாட்டுதுறை அமைச்சர் ஸ்ரீ எம். பக்தவத்சலம் அவர்கள் சட்ட மன்றத்தில் வெளியிட்ட அறிக்கையும் அதன் மீது நடைப்பெற்ற விவாதத்திற்கு விடை அளித்த நிதி அமைச்சர் ஸ்ரீ சி. சுப்ரமணியம் அவர்களின் சொற்பொழிவும் இவ்வெளியீட்டில் அடங்கியுள்ளன.

THE HON. SRI C. SUBRAMANIAM : Sir, may I say the House gives you 60 per cent of marks for your reading? (Laughter.)

MR. SPEAKER : Thanks. To put it in English, it is stated that, for personal ends, some people misrepresent the facts about what happened in Mudukalathur and create wrong impressions in the minds of the public and that the pamphlet, which contains the statement of the Hon. Sri M. Bhakatavatsalam on "What happened in Mudukalathur" and the reply to the debate thereon by the Hon. Sri C. Subramaniam, is issued with a view to acquainting the public with the true facts of the situation.

A possible inference from the Preface might be that only the Ministers' speeches represent facts and speeches by others do not. It may be contended, no doubt, that it does not refer specifically to the speeches by Members of the Legislature, but in so far as they contain replies to the points raised by them in their speeches, the Preface could be held to reflect on the Members of the Assembly, though not named, who made those speeches.

It is presumably on these facts that it has been alleged that the publication is intended to scandalise the Opposition parties, but it is difficult to decide whether this was really so without a detailed examination of the portions omitted and the circumstances leading to this publication.

I do not wish to discuss the matter further at this stage. But *prima facie* I think this is a case which should go to the Privileges Committee. I have, therefore, preferred to refer this matter to the Committee of Privileges instead of deciding it myself. The Committee will, I am sure, go into the question as to how far the speech as contained in the pamphlet is a faithful report of the proceedings of the House and whether this publication constitutes a breach of privilege and if so, what steps this House should take in this matter.

VI.—DEMANDS FOR GRANTS FOR EXCESS EXPENDITURE IN THE YEAR 1954–55.

THE HON. SRI C. SUBRAMANIAM : Sir, I rise to present the statement of Demands for grants for excess expenditure in the year 1954–55 [a]. The appropriations originally provided for

[a] Printed as Appendix II on pages 95–99 infra.